

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DERRICK O. LASTER,

Petitioner,

v.

CHARLES E. SAMUELS,

Respondent.

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Civil Action No. 06-6017 (NLH)

O R D E R

For the reasons set forth in this Court's Opinion filed herewith,

IT IS ON THIS 10th day of October, 2007;

ORDERED that Petitioner's claim regarding credit (Ground Three) is hereby DENIED; and it is further

ORDERED that Respondent's Motion to Dismiss (docket entry 14) is hereby DENIED; and it is further

ORDERED that Respondent shall file an answer with regard to the remaining claims to the petition within 45 days of the entry of this Order; and it is further

ORDERED that Respondent's answer shall respond to the factual and legal allegations of the petition by each paragraph and subparagraph; and it is further

ORDERED that Respondent shall raise by way of their answer any appropriate defenses which they wish to have the Court consider, including, but not limited to, exhaustion and timeliness, and also including, with respect to the asserted

defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer shall be accompanied by all documents submitted and/or filed in Petitioner's underlying military case including, but not limited to, any pleadings, process, orders, transcripts, summaries, briefs, appendices, opinions, and judgments filed in the military proceedings, or such of them as may be material to the questions raised in the petition; and it is finally

ORDERED that Respondent shall serve the answer and record upon Petitioner and shall file the original and three copies of the answer and one set of the accompanying record with the Clerk's Office at 402 East State Street, Room 2020, Trenton, New Jersey 08608.

s/Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

At Camden, New Jersey